

Message Text

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PAGE 01 STATE 187781
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TO AMCONSUL DUSSELDORF IMMEDIATE

UNCLAS STATE 187781

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE: WALKER V. CENTRIES ET AL

1. AN ATTORNEY IN TEXAS HAS BEEN ORDERED TO TAKE DEPOSITION OF EMPLOYEES OF WESTPHALIA SEPARATOR, A GERMAN CORPORATION, ON AUGUST 1 AT THE PREMISES OF THE CORPORATION. FAILURE TO OBTAIN THESE DEPOSITIONS WILL EITHER SERIOUSLY COMPROMISE THIS CASE OR CAUSE IT TO BE DISMISSED.

2. TEXAS ATTORNEY HAS RETAINED DR. L.H. FARNBOROUGH OF FARNBOROUGH, DITTMANN AND PARTNERS. TEXAS ATTORNEY ADVISES THAT FARNBOROUGH WAS ADVISED BY CONGEN THAT A CONSULAR OFFICER COULD NOT BE MADE AVAILABLE UNTIL NOVEMBER.

3. TEXAS LAW AUTHORIZES DEPOSITIONS TO BE CONDUCTED BEFORE ANYONE AUTHORIZED TO ADMINISTER OATHS IN THE FOREIGN COUNTRY. WE UNDERSTAND THAT IN GERMANY THERE IS AN EQUIVALENT OF A NOTARY PUBLIC WHO COULD PLACE A WITNESS UNDER OATH. HOWEVER, TEXAS ATTORNEY HAS BEEN TOLD BY UNCLASSIFIED

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FARNBOROUGH THAT THIS IS NOT POSSIBLE OUTSIDE OF COURT OR WITHOUT COURT SUPERVISION.

4. WE NOTE IN CONSULATE GENERAL'S LIST OF ATTORNEYS THAT SOME OF THE ATTORNEYS LIST THAT THEY ARE NOTARIES PUBLIC.

5. CONGEN REQUESTED TO ADVISE WHETHER THESE OR ANY

OTHER NOTARY PUBLIC CAN PLACE AN INDIVIDUAL UNDER OATH FOR
DEPOSITION PURPOSES WITHOUT SUPERVISION BY COURT. ALSO,
PLEASE ADVISE AS TO SITUATION AT POST REGARDING AVAILABIL-
ITY OF CONSULAR OFFICER. IN VIEW OF TIME FACTOR CONGEN'S
EARLY RESPONSE APPRECIATED. VANCE

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